



CITY OF DULUTH

Planning Division

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STAFF REPORT

File Number	PL 15-023	Contact	Steven Robertson, 218 730 5295	
Application Type	Variance, Form District Standards	Planning Commission Date	March 10, 2015	
Deadline for Action	Application Date	February 13, 2015	60 Days	April 14, 2015
	Date Extension Letter Mailed	February 26, 2015	120 Days	June 13, 2015
Location of Subject	128 and 140 West 4th Street			
Applicant	Fon Du Lac Development Corporation	Contact		
Agent	Randy Wagner, DSGW	Contact	218-727-2626	
Legal Description	010-1270-04580			
Site Visit Date	February 27, 2015	Sign Notice Date	February 23, 2015	
Neighbor Letter Date	February 25, 2015	Number of Letters Sent	60	

Proposal

The applicant is requesting a variance from the building standards of a Main Street Building II in the F-6 Form District. The applicant is proposing two access points from the street, whereas the code does not permit any access points if alley access exists.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-6	Residential/Institutional	Neighborhood Mixed Use
North	R-2	Transportation/Residential	Traditional Neighborhood
South	F-6/MU-N	Institutional/Residential	Neighborhood Mixed Use/Urban Residential
East	F-6/MU-N	Residential	Neighborhood Mixed Use
West	F-6/R-2	Residential	Neighborhood Mixed Use

Summary of Code Requirements (reference section with a brief description):

Sec. 50-37.9.C. - General Variance Criteria (paraphrased here): Granting of variances of any kind is limited to situations where, due to characteristics of the applicant's property, strict enforcement of the ordinance would result in peculiar and practical difficulties or exceptional or undue hardship to the owners. The Planning Commission must find the following for a variance to be granted: a) That they are proposing to use the property in a reasonable manner, b) that the need for relief from the normal regulations is due to circumstances unique to the property and not caused by the landowner, c) that granting the variance will not alter the essential character of the area, d) that granting the variance is consistent with the intent of the UDC and the Comprehensive Plan.

III.G-1

Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

-Neighborhood Mixed Use: A transitional use between more intensive commercial uses and purely residential neighborhoods. Includes conversions of houses to office or live-work spaces. May include limited commercial-only space oriented to neighborhood or specialty retail markets

-Form District 6: This district was created to respond to the commercial nodes present in the Central Hillside neighborhood (4th St. from Mesaba Ave. to 3rd Ave. East). These nodes are separated by residential developments, which were not included in the study area. Main Street Building II and Cottage Commercial Building I provide flexibility in the style of commercial building, with the Cottage Commercial building type especially applicable when it's located adjacent to residential development.

-Main Street Buildings, in general, are pedestrian-oriented, mixed use buildings. This building type typically has a storefront on the ground floor with offices or residential uses on the upper floors. The ground floor of the Main Street Building has a high amount of transparency, so that pedestrians walking by can look into the interior space.

-Main Street Building II is slightly more intense than Main Street Building I, as it is required to be built up to the right-of-way and may generally be up to 4 stories tall. This building type also permits service, retail and office uses on the ground floor and office or residential on upper floors.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

- 1) The applicant is requesting a variance from the building standards for a Main Street Building II in the F-6 Form District. The applicant is proposing two access points from the street, whereas the code does not permit any access points if alley access exists. This variance is a companion variance to PL 15-024.
- 2) The applicant intendeds to construct a new medical clinic that will be 3 stories tall and 40,000 square feet. The clinic will provide primary medical care, pharmacy, x-ray, lab, occupational and physical therapy, adult and adolescent chemical dependency treatment, and behavioral health counseling.
- 3) The site was zoned MU-N in 2010, when the UDC was adopted. The property was rezoned from MU-N to F-6 in 2012 (12-087). Medical or Dental Clinics are permitted uses in the MU-N district, but can not exceed 20,000 square feet. These uses are also permitted in the F-6 district, but without a limitation to the size.
- 4) This project will be constructed over several existing platted lots, with existing structures. Lot depth varies from 110 feet to 140 feet, and the elevation change from the front to the rear of the lots is about 25 feet. According to the applicant, there is significant bedrock present in this development site, mostly on the western/northern portions of the site.
- 5) As stated in the 2006 Comprehensive Plan, "the base principle of form based coding is that design is more important than use. Simple and clear graphic prescriptions for building height, how a building is placed on site, and building elements are used to control development". In other words, how the buildings are sited on the lot and how they related to the street frontage is more relevant to the neighborhood than the land use within the structure. Every access point or driveway over a curb cut disturbs the sidewalk and creates conflict points between. That is why vehicle access points from a structure or parking lot to the street, and over the sidewalk, are not allowed when access is available from the alley.
- 6) Due to the significant elevation change and soil conditions of the property, the Planning Division does believe the requested variance is necessary for the preservation and enjoyment of a substantial property right, and the relief is related to the conditions of the property. The requested variance is not solely for the convenience of the applicant.
- 7) Granting this variance would not impact the supply of light or air to adjacent properties or unreasonably increase the congestion in public streets, nor would it impair the intent of the zoning code.
- 8) Control/limitation of access points and curb cuts is important to pedestrian safety, but based upon the applicants site and proposed project, staff believe the request has merit and should be granted despite the potential impact.
- 9) No (written) citizen or Public Agency comments were received on this application. Several verbal citizen comments were received, generally positive of the new structure (and related parking lots).

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Staff recommends that the Planning Commission approve the variance to allow two driveways/access points from the street, with the following conditions:

- 1) The project be limited to, constructed, and maintained according to the plans submitted with this application ("First Floor Parking Level" and "South Elevation").
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

UDC 50-37.1.N, an approved variance will expire if the project or activity authorized is not begun within 1 year.

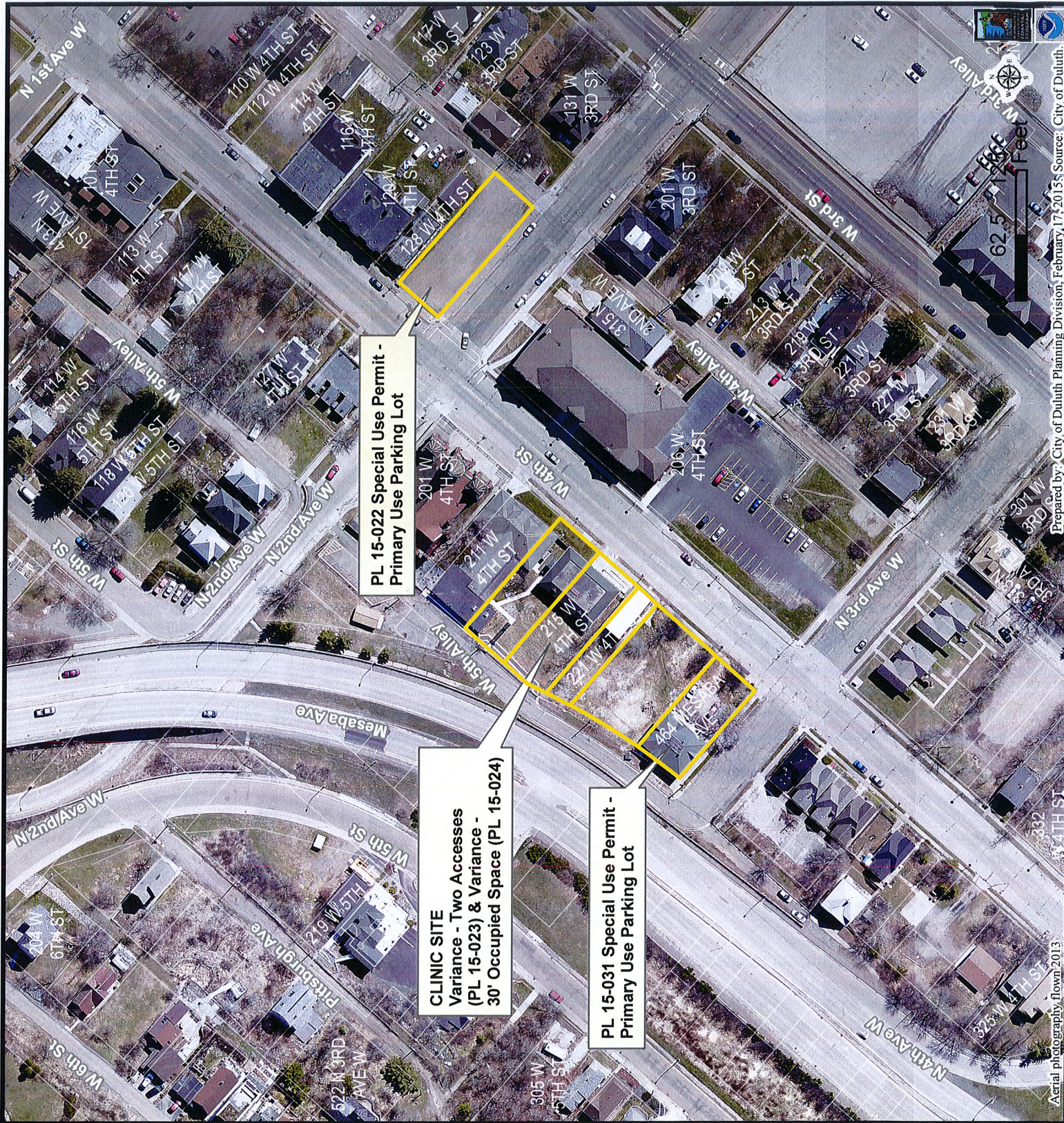
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Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)



City Planning

PL 15-022, 023, 024, & 031
Fond du Lac CAIR



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City Planning

PL 15-022, 023, 024, & 031
Fond du Lac CAIR



Legend

Contours 1 Ft

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Intermediate

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Aerial photography flown 2013

Prepared by: City of Duluth Planning Division, February 17, 2013. Source: City of Duluth.

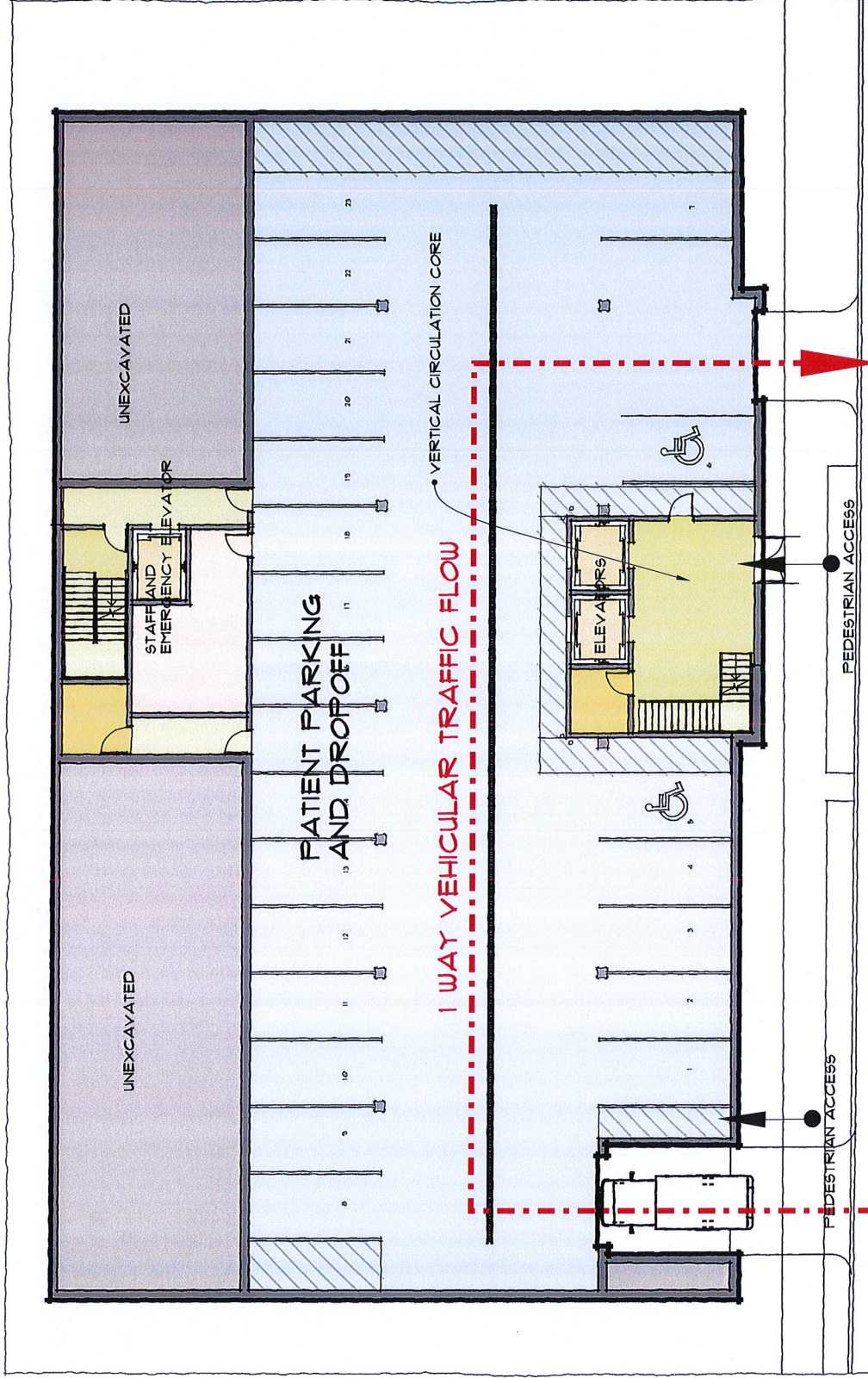
Attachment Exhibits for Fond du Lac CAIR Development

- A. The Fond du Lac Reservation has been charged by the Federal Government (Indian Health Services) to provide medical and social services to all of the American Indians and Alaska Natives living in Carlton and South St. Louis Counties and has provided these services in Duluth since 1983, opening the Center for American Indian Resources (CAIR) in 1988. This site was chosen for it's in proximity to many clients living in Duluth. The new facility enabled Fond du Lac to expand services including general primary medical care and pharmacy. The building was remodeled in 1993 to provide more medical care. As the demand for services has increased so has the need for more space. The proposed facility will expand primary medical care, pharmacy, radiology, and lab. New services will include Occupational and Physical Therapy, adult and adolescent chemical dependency treatment, and behavioral health counseling. These expanded services and the inability for the existing building to accommodate them has led to the planning of this new structure. After considering other sites in the immediate area, the decision was made to expand on the present location since no other suitable sites were available. As a result the neighborhood and the Native American population of Duluth, already experiencing positive improvements, will benefit even more. However for the Clinic to be able to truly provide state of the art health care services, emergency vehicle access must have a flow through traffic pattern that will require both an access and egress driveway and due to the extreme slope of the site, 4th Street access is the only way to accomplish this.
- B. This property as with many in this part of Duluth comes with challenges primarily slope and bedrock. The depth of the property varies but at its greatest is 138 feet. Across that depth the grade drops 30 feet, a 22% grade change from 4th Street to the alley. While the property indeed has alley access it can become extremely hard to negotiate in winter months. The alley parking is limited and will be used exclusively by staff. Please see the attached topographical survey, lower level floor plan and building section. In an ideal world this site would be flat. In which case the 30,000 SF clinic would be on one level with parking at the rear per UDC requirements. However the 30' grade drop and the depth of the property won't allow for the minimum parking requirement per UDC to occur at the rear of the building. The only available option is to place parking on the first floor with 4th Street access and build up with the clinic. The lower level parking will be designated for patient parking and drop-off and emergency vehicle access and egress. This then becomes the location for emergency vehicle access both in and out of the building. The relief in question provides access and egress for emergency vehicles and drop-off for the frail and elderly free from maneuvering in a congested area.
- C. The similarities that exist with this property and the neighboring area are as follows:
1. Slope of the site.
 2. Presence of bedrock.
 3. Scale of the building. The building is approximately 40,000 SF. Other buildings including Damiano Center, and Sacred heart are similar
 4. Entry access off 4th Street. Damiano parking lot is also currently accessed off of 4th St.
 5. Building materials. Use of red brick
 6. Front yard setback

7. Services to the Native American Community

What makes this project unique and presents the greatest difficulty is the clinic services that are provided for the Native population in the neighborhood and the off-street parking requirements that come with this development. The inability to provide this parking per requirements of UDC 5-22.2A.3 due to topography conditions that exist on this site and the need to provide ambulance access in case of an emergency.

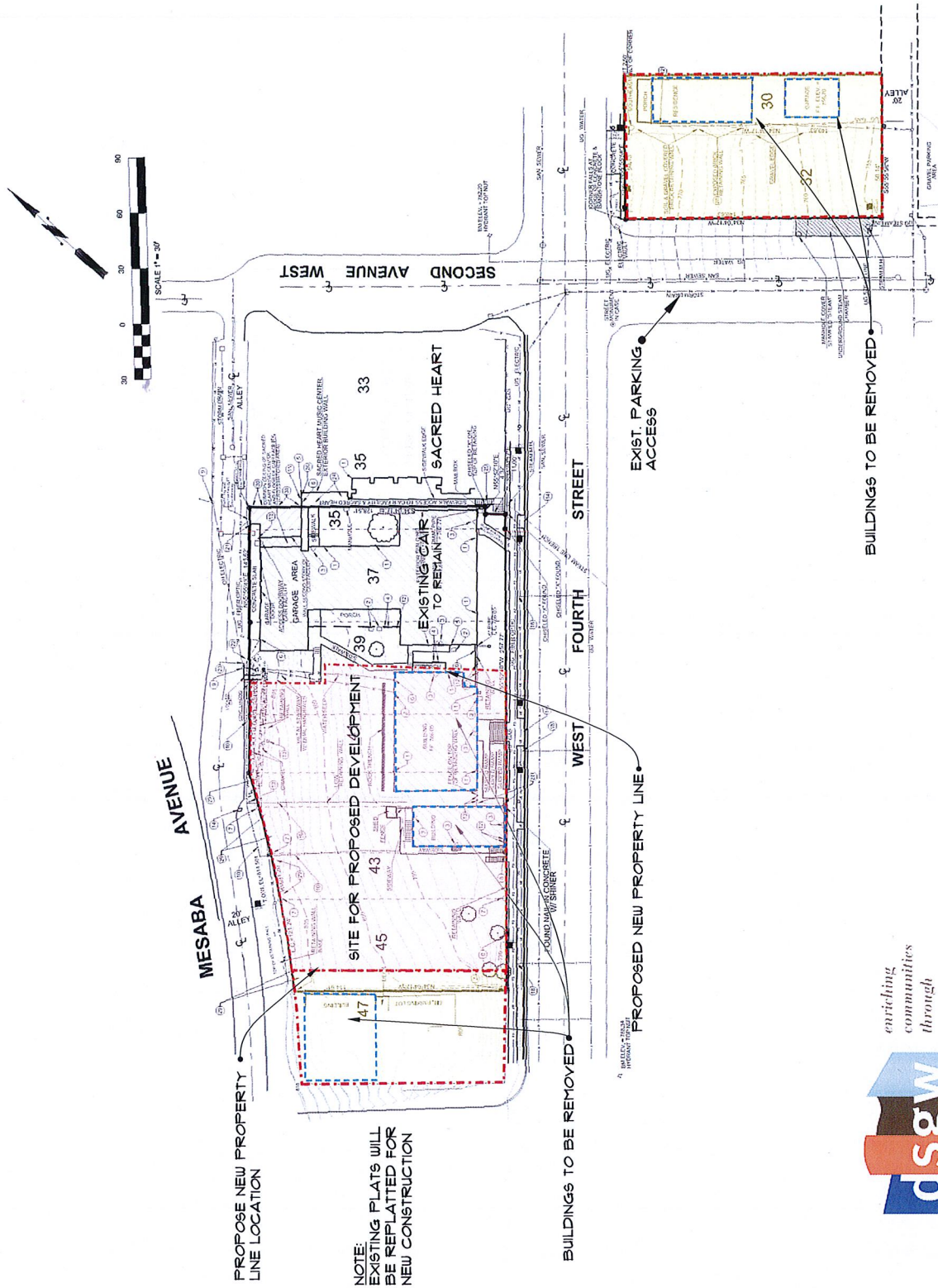
- D. The purpose of the UDC is to protect public health, safety and welfare, enhance and improve the quality of life for the residents of Duluth. This request allows for 1 way access and egress for frail and elderly patients to park, or if they can't drive themselves be dropped off in a protected and safe environment, free from the elements and harsh winter environment. It provides an option for 1 way evacuations from this ambulatory care facility into a controlled environment in cases of emergency. The UDC states that an exception can be made for 2 driveways if the frontage is over 200'. The parcel the new building will be placed on is less than that, however the Fond du Lac Reservation owns a total of 5 parcels contiguous on this block that totals approximately 250'.
- E. The slope of the site and inability to access any other way to lower level parking plays into special circumstances. The new structure, per UDC Mainstreet II, requires this building have access to parking from the rear yard. The rear yard has room for only 12 parking spots. The balance must be provided within the building itself on the lower level. This property is considered an up-hill site, where the building has to be cut into the hillside to have a front entry off 4th Street requiring a lower level parking lot to be accessed from the front whereas a down-hill sloped property, i.e. Damiano Center, is better suited for a rear accessed underground parking off the alley.
- F. Two driveways into the lower level parking will not impair light or air quality into the street or have an effect on the adjacent neighbors. The air quality of the lower level parking will be dealt with mechanically and exhausted through the roof. The lower level parking will be constructed of non-combustible materials per building codes and be fully sprinklered therefore not creating a fire hazard. Public safety will be greatly improved by allowing for one way traffic flow free from vehicle maneuvering in and out of the lower level. Parking at the curb in front of the new building will be designated for deliveries purposes only and signs at the sidewalk will identify the potential of vehicular traffic. Signage at the sidewalk will warn pedestrians to watch for potential vehicular traffic. New sidewalks will be constructed as part of this project. The variance is a requirement for the development of this project. This development creates a marked improvement in the neighborhood, therefore increasing property values.



W 4TH STREET

FOND DU LAC CAIR PROPOSED NEW BUILDING **FIRST FLOOR PARKING LEVEL**





FOND DU LAC CAIR PROPOSED NEW BUILDING **EXISTING TOPOGRAPHY SURVEY**



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